

File #:

**DO NOT
DESTROY**
FOIPA# N/A

62-HQ-116395

Serial Scope:

EBF & 947

~~TOP SECRET~~

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Feit	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

DECLASSIFIED BY SP12 BTJ/2C
ON 3-17-95
342-679

July 1, 1969

Joseph Kraft

DO NOT FILE

JUNE

Dear Mr. Hoover:

In regard to the columnist we discussed this morning, I have learned that his wife and daughter are presently en route to Paris. All three will be leaving Paris on Monday, July 7, 1969, for a three-week vacation touring Italy. Following this, he intends to go on to Bucharest and to Moscow. It is assumed that the Bucharest, Romania, visit will be in connection with President Nixon's presence there. He intends to return to the United States August 10, 1969, by way of Paris.

As of the moment, efforts are being made to get the installation in. If the switchboard at the hotel makes a technical surveillance impossible, an effort will be made to place a microphone in his room.

Respectfully submitted,

Bill Sullivan
William C. Sullivan

NATIONAL SECURITY INFORMATION
Unauthorized Disclosure
Subject to Criminal Sanctions

REC-111

65-75629-4

65-75085-334
NOT RECORDED

JUN 13 1973

JUN 13 1973

~~TOP SECRET~~

~~SECRET~~

CLASSIFIED BY SP-12 BTJ/JC
DECLASSIFY ON: 25X

DECLASSIFIED BY SP-12 BTJ/JC
ON 3-17-95
#342-679

July 2, 1969

Re: CATO

JUNE

Enclosed is an article appearing in the "International Herald Tribune," Paris, France, July 1, 1969.

~~(S)~~ SENSITIVE FOREIGN INTELLIGENCE SOURCE ~~(S)~~ (U)

DST files reflect an individual by this name, but date of birth September 4, 1924, in New Jersey, visited Paris in 1950 as a student. He resided at 1 Place de l'Estrapade, Paris 15. ~~(S)~~ (U)

An individual with the same name, probably identical with subject, visited Paris May 3-5, 1965, and March 14-17, 1966. On both occasions he stayed at the Plaza Athenee Hotel. Also on both occasions he was in contact with a representative of the North Vietnamese Commercial Mission in Paris. At that time, that was the only North Vietnamese Mission in Paris and it handled all types of contacts (not only commercial). It has since been raised to the status of a General Delegation. At that time, subject gave his address as 1148 Fifth Avenue, New York City, New York. ~~(S)~~ (U)

In 1958, this individual requested accreditation for "Time" magazine and gave Paris residence as 1 Boulevard Henry IV, Paris, c/o M. Driri. ~~(S)~~ (U)

~~(S)~~ SENSITIVE FOREIGN INTELLIGENCE SOURCE ~~(S)~~ (U)

The next trace found by the DST was a registration at the Hotel Intercontinental, 3 rue de Castiglione, Paris, June 21-23, 1969. He presently has no residence permit in France and is not accredited here as a correspondent in residence. ~~(S)~~ (U)

He registered at the Hotel George V, Paris, on June 29, 1969, for about one week. Here he gives his occupation as a journalist and date of birth as January 15, 1927. ~~(S)~~ (U)

Discreet inquiry of the office of the Press Attache, American Embassy, Paris, under suitable pretext, disclosed that subject is not permanently assigned or domiciled here and only visits here occasionally. When here, he can be contacted through the Washington Post Paris Office, 21 rue de Berri, Paris, telephone 265-3405. ~~(S)~~ (U)

(U) 65-75629-5

Enclosure - 1

NOT RECORDED

JUN 13 1973

~~SECRET~~

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ENCLOSURE

File-5-TJS
6/13/73

The Visit to Bucharest

July 1, 1969

By Joseph Kraft

PARIS—President Nixon's forthcoming visit to Romania represents a break from the administration's central policy of sweetening up the Russians for a super-duper diplomatic big deal. And because the visit to a Communist dissident departs from the Moscow First policy, it looks like big-league stuff.

But the Bucharest stopover can be truly important only if Washington follows up with a more forthcoming attitude toward other Communist dissidents—notably in China and in North and South Vietnam. And the probability is that instead of following up, Mr. Nixon will content himself with a showy visit that will be seen, in retrospect, to have been much exaggerated.

The Moscow First policy of the Nixon administration can be seen in every corner of the world, but most of all in the corner of the world inhabited by the dissident Communists of Eastern Europe.

Backward on Trade

The Nixon administration has gone backward, not forward, on East-West trade, the prime American vehicle for knitting up relations with the East European countries. As ambassadors, it has conferred open those nations regular Foreign Service officers with no clout in Washington, who, besides, see Eastern Europe chiefly as an adjunct of either Russian or German policy.

A particularly striking example of the disposition of the Nixon administration to subordinate Eastern Europe to Soviet policy came in connection with the ouster of Alexander Dubcek, the independent-minded former First Secretary of the Czech Communist party. A few hours after Dubcek was sacked, Washington announced that it had warned Moscow about such a change. By publishing the warning after rather than before the dirty deed had been done, the Nixon administration made it plain beyond any doubt just how unwilling it has been to lay its prestige on the line for the sake of an East European state at odds with Russia.

The same pattern is apparent in dealings with the major rebel in the Communist camp. Shortly after Mr. Nixon was elected, the Chinese Communists extended an olive branch in the form of an invitation to renew the Sino-American meetings in Warsaw.

Mr. Nixon brushed off this overture at his first presidential press conference. His administration, despite broad Chinese hints of trouble to come, then took over a Chinese agent who had defected to Holland. Though it was Peking that canceled the scheduled Warsaw meeting, the general opinion among Communist countries—notably in Romania—was that the Nixon administration had spurned a Chinese gambit in order not to give offense to the Russians.

In the Near East, the Nixon administration has played patsy for the Russians even more egregiously. Soviet chestnuts are in the fire there because of the humiliation of Moscow's Arab proteges by Israel, and the closing of Russia's gateway to Arabia and East Africa—the Suez Canal.

But Washington has been running after the Russians in Big Two and Big Four sessions on the Near East as though American interests in the area were in jeopardy. Why? Not because there is a chance of settling the conflict between Israel and the Arabs, as the latest word from Cairo makes abundantly clear. On the contrary, Washington's objective has been a political ceasefire in the Near East between the United States and Russia that would open the road to a wider Big Two deal.

Precisely the same logic runs through the president's policy in Western Europe. True to the word passed on his visit here last spring, Mr. Nixon has been at great pains not to interfere in West European business, and to consult the allies on larger strategic questions. Why? Because basically what the president wants from Western Europe—and notably from France and West Germany—is a clear road for doing business with the Russians.

Nor has there been any mystery about what the business is supposed to be. The subject of the administration's most intense and elaborate planning and staffing effort has been the coming strategic arms limitation talks with the Russians. And despite repeated evidence that the present leadership in Moscow

is unsure of itself, Washington has been approaching these talks as though they would provide the biggest diplomatic deal of all time, the capstone to détente—"a qualitative change in relations between Russia and the United States," as one very high American official has phrased it.

Given that single-minded focus on doing a deal with Russia, the president's forthcoming visit to Romania is a mere tactical bagatelle, a slight deviation from the main path in order to put more pressure on Moscow. To be truly important, the Bucharest visit would have to yield a change of stance in Washington. The Nixon administration would have to show willingness to treat with the other Communist dissidents—the Chinese, the North Vietnamese, and, most important of all now, the Provisional Revolutionary Government of South Vietnam.

Bucharest is obviously going to put to Mr. Nixon the case for polycentric dealing by Washington with the whole Communist world. But whether Mr. Nixon will respond remains in doubt. In the past, anyhow, he has shown a lamentable weakness for highly-publicized international meetings that lead nowhere.

Moreover, much as the balance of American dealings with the Communist world needs to be righted in favor of the dissidents, there is a central strategic fact that keeps asserting the importance of Big Two relations. That fact is that Russia and the United States—but not anybody else—can blow up the world.

INTERNATIONAL

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 3-17-95 BY SP-12 BTA/JO

ENCLOSURE

65-75985-335
65-75627-5

~~TOP SECRET~~

DO NOT FILE

July 2, 1969

Dear Mr. Hoover:

Joseph Kraft

JUNE

I heard from Legat Philcox this morning. In regard to the man in Paris in whom we are interested, the facts are these:

- 1) He registered at the hotel on June 29 and as previously indicated plans to leave next Monday. He has no regular assignment in Paris and comes and goes throughout Europe.
- 2) Because of the hotel he is staying in and the elaborate switchboard, it is not possible to put a telephone surveillance on his room extension.
- 3) I told Philcox to push the French and see if we could get a microphone in his room. This they are trying to do. The question was raised as to whether they should take anyone at the hotel into confidence should it be necessary in order to place the installation. I said, no do not take anyone into confidence at the hotel.

I am following this matter very closely and you will be kept advised.

Respectfully submitted,

W. C. Sullivan
W. C. Sullivan

NATIONAL SECURITY INFORMATION
Unauthorized Disclosure
Subject to Criminal Sanctions

REC-11

65-15629-6
65-7508-336
NOT RECORDED

JUN 13 1973

DO NOT FILE

~~TOP SECRET~~

JUN 13 1973

~~SECRET~~

~~TOP SECRET~~

DO NOT FILE

July 3, 1969

JUNE

Joseph Kraft

Dear Mr. Hoover:

This is to advise you that the French have overcome some very difficult operational problems and have installed a microphone in this fellow's room. As I mentioned yesterday the elaborate switchboard prevents using a telephone surveillance. (S)(U)

Just as soon as they get an adequate product, it will be sent into me immediately and I will handle the translation under very secure conditions.

You will kept promptly advised of developments.

Respectfully submitted,

Bill Sullivan
W. C. Sullivan

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

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DECLASSIFIED BY SP-1 BTJ/2C
ON 3-17-95
342-679

NATIONAL SECURITY INFORMATION
Unauthorized Disclosure
Subject to Criminal Sanctions

REC/

65-75629-1

65-75629-337
NOT RECORDED

JUN 13 1973

DO NOT FILE
~~TOP SECRET~~

~~SECRET~~

JUN 13 1973

~~SECRET~~

~~TOP SECRET~~

DO NOT FILE

July 7, 1969

Joseph O Kraft

Dear Mr. Hoover:

JUVF

In regard to the sensitive coverage in Paris, I have followed this throughout the week-end with our Legat. There is nothing direct we can say on the telephone, but by double-talking we can communicate.

The French were successful in installing the microphone and they have the product, the Legat said, extending to the time of this man's departure from Paris. He was to leave either last night or this morning. ~~(S)~~ (U)

The tape is on its way to me and should arrive tomorrow. I will have it immediately and very securely translated and the results given you. The Legat was able to say one thing and that is that this person has been in touch with the Soviets in Paris presumably in connection with his coming visit to Russia. ~~(S)~~ (U)

Respectfully submitted,

William C. Sullivan
William C. Sullivan

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Mr. Gandy	_____

CLASSIFIED BY SP-2 PMA/10/16
DECLASSIFY ON: 25X 6

342-679
DECLASSIFIED BY SP-12 BTJ-JC
ON 3-17-95

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NATIONAL SECURITY INFORMATION
Unauthorized Disclosure
Subject to Criminal Sanctions

REC/177

DO NOT FILE

~~TOP SECRET~~

~~SECRET~~

65-75629-8

65-75629-338
NOT RECORDED

JUN 13 1973

#10816/12100
CLASSIFIED BY SP2A/12100
DECLASSIFY ON: 25X 6

~~SECRET~~

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ON 3-2-95 #348-679

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WHERE SHOWN OTHERWISE

Re: CATO

JUNE

[Enclosed are six
additional tapes
received from the DST
7/8/69. Subject departed
Paris 7/7/69 for Rome.
Operation discontinued.
DST requested Bureau
process tapes and
return original tapes
and transcripts as
soon as possible. Suggest
you send to my personal
attention to be opened
only by me.] (S)(U).

Also enclosed is
article from Herald
Tribune 7/8/69.

SENSITIVE
FOREIGN
INTELLIGENCE
SOURCE

(S)(U)

5-15
4/13/73

65-75629-10
65-75629-346
NOT RECORDED

JUN 13 1973

~~SECRET~~

SENSITIVE
FOREIGN INTELLIGENCE
SOURCE

(S)(U)

Jean Rochet, Director of
The JST, decided to
defray all expenses
from his confidential
account and declined
to accept payment. (S)(U)

SENSITIVE
FOREIGN INTELLIGENCE
SOURCE

(S)(U)

Possibly a personal
note from you to
[Rochet] to be delivered
by me — thanking
him for the excellent
cooperation would be
in order — if you
agree — without, of
course, mentioning
the case specifically.
Will call you when
I am in NYC.

Lam

5-15
4/13/73

65-75629-10

65-75629-340

NOT RECORDED

JUN 13 1973

JUN 13 1973

~~SECRET~~

~~TOP SECRET~~

DO NOT FILE

July 8, 1969

Joseph Kraft

Dear Mr. Hoover:

JUNE

In regard to the Paris matter, the tape has not come in as yet, but I do have some collate information. French Intelligence advises that the man in question visited Paris as a student in 1950. He later visited again in 1965 and 1966. (S)(U)

It is of interest to note that on both of the latter occasions he was in contact with a representative of the North Vietnamese Commercial Mission in Paris. This is all the more significant, advises the French, when it is understood that at that time the North Vietnamese Commercial Mission handled all kinds of activities including intelligence. It was not limited to commercial matters. This Mission has since been elevated to the status of a General Delegation. (S)(U)

In 1958, this person requested accreditation for "Time" magazine and gave a Paris residence. On June 21-23, 1969, he gave the Hotel Intercontinental, Paris, as his address and on June 29, 1969, he gave the Hotel George V, Paris, as his place of abode. (S)(U)

As I previously advised you this person is not now officially assigned or accredited as a correspondent in residence nor does he have any residence permit. (S)(U)

As soon as the tapes get in, I will have them processed immediately.

Parenthetically, I would like to repeat that I think that his contact with the North Vietnamese in Paris is of considerable interest. (S)(U)

Respectfully submitted,

NATIONAL SECURITY INFORMATION

Unauthorized Disclosure
Subject to Criminal Sanctions

William C. Sullivan

65-75629-11

DO NOT FILE

~~TOP SECRET~~

~~SECRET~~

REC

NOT RECORDED

JUN 13 1973

JUN 13 1973

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

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WHERE SHOWN OTHERWISE.

DECLASSIFIED BY SP-12 BJA/TC
ON 3-17-95
342-679

UNITED STATES GOVERNMENT

Memorandum

MR. DE LOACH

DATE: 11-4-69

Tolson _____
DeLoach _____
Walters _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

MR. W. C. SULLIVAN

DO NOT FILE
JUNE

JOSEPH KRAFT
INFORMATION CONCERNING

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED SP 12 BTJ/20
DATE 12/10/00 BY SP 2 AUM/15
3-15-95

Your memorandum today set out the Attorney General's request for coverage of captioned individual, a columnist for the Publishers Hall Syndicate in Washington, D. C. The Attorney General asked the Bureau's views as to the type of coverage which should be instituted.

The Domestic Intelligence Division feels that a continuing close physical surveillance of Kraft will be too dangerous. However it is believed that a selective spot physical surveillance in the evening relative to his social contacts would be safe and could be productive. Also, a technical installation on his telephone might produce the information desired by the Attorney General. It will, of course, be necessary for the Washington Field Office to make a discreet survey to determine whether this installation can be made securely.

RECOMMENDATIONS:

1. If you approve, the Washington Field Office will be instructed to immediately survey this situation to determine the feasibility of placing a technical surveillance on Kraft's phone. Both his residence and his office will be included in the survey. If found feasible, a memorandum will be prepared to secure the Attorney General's approval for the installation.

2. That this memorandum be retained by Miss Gandy.

WCS:hrt
ORIGINAL ONLY

also initiate a
spot surveillance

ROUTE IN ENVELOPE

I think the spot surveillance
REC should be used for
65-75629-25

65-75629-255
NOT RECORDED

JUN 13 1973

UNITED STATES GOVERNMENT

Memorandum ROUTE IN ENVELOPE

MR. DE LOACH

DATE: 11-5-69

MR. W. C. SULLIVAN

DO NOT FILE
JUNE

Tolson _____
DeLoach _____
Walters _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

JOSEPH KRAFT
TECHNICAL SURVEILLANCE REQUEST

342-677
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/10/00 BY SP-2AEM/116
3-15-95 SP-12 BTJ/10

My memorandum of 11-4-69 reported that the Attorney General had requested coverage on captioned individual, a columnist for the Publishers-Hall Syndicate, Washington, D. C. The Attorney General asked the Bureau's views as to the type of coverage which should be instituted. My memorandum pointed out that Washington Field Office would immediately conduct a survey to determine the feasibility of placing a technical surveillance on Kraft's phone. The Director approved this survey and also instructed that a spot surveillance be initiated on Kraft.

Washington Field Office has been instructed to initiate a spot surveillance and has determined that the technical surveillance is feasible. Accordingly, there is attached a memorandum for the Attorney General requesting his approval for the technical surveillance.

RECOMMENDATIONS:

1. That the attached memorandum containing only the original be handled with the Attorney General.

O.K.

2. That this memorandum be retained by Miss Gandy.

WCS:hrt
ORIGINAL ONLY
Enc. 11-5-69

REC

65-15627-26

65-75085-356

NOT RECORDED

JUN 13 1973

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SECRET

UNITED STATES GOVERNMENT

Memorandum ~~TOP SECRET~~

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WHERE SHOWN OTHERWISE.

Tolson _____
DeLoach _____
Walters _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

TO : MR. DE LOACH

DATE: 11-7-69

FROM : MR. W. C. SULLIVAN

SUBJECT: JOSEPH KRAFT
INFORMATION CONCERNING

DO NOT FILE
JUNE

#MOR/6
12/21/06
CLASSIFIED BY SP-2 ALM/776
DECLASSIFY ON: 25X 66

On 11-4-69 the Attorney General asked that surveillances be conducted of Joseph Kraft. On 11-5-69 we requested the Attorney General for approval for a telephone surveillance and instituted a spot physical surveillance on the Director's approval. The Attorney General has not yet responded to our memorandum of 11-5-69 and nothing of significance has been received as a result of the physical surveillance. However, other coverage of the Washington Field Office suggests that Kraft has close contacts at the Polish Embassy. A confidential source advised that Kraft contacted Jerzy Michalowski, Polish Ambassador to the U.S., 10-29-69, and indicated that he had a luncheon appointment with the Polish Embassy's counselor. He suggested that Michalowski join them, but was advised that Michalowski was busy on that date. However, Michalowski countered with an invitation for Kraft to visit him at the Polish Embassy 10-31-69 at 3:30 p.m. for a drink. This meeting was subsequently confirmed for between 3:30 p.m. and 4 p.m. on that date by Kraft's secretary. (S)

(S) Washington Field Office records also reveal that Michalowski has indicated friendship with other newsmen in the Washington area in addition to Kraft. These include Charles Bartlett, Chalmers Roberts, Murray Marder, and Max Frankel.

It is believed that this information may be of interest to the White House and the Attorney General.

RECOMMENDATION:

That the attached communications be approved.

WCS:hrt

ORIGINAL ONLY

Encs.

NATIONAL SECURITY INFORMATION
Unauthorized Disclosure
Subject to Criminal Sanctions

Classified By 6283
Exempt from GDS, Category 2 & 3
Date of Declassification Indefinite

65-75629-27

65-75085-357

NOT RECORDED

JUN 13 1973

TOP SECRET

~~TOP SECRET~~

DO NOT FILE
JUNE

The Attorney General

November 7, 1969

Director, FBI

~~# 100-16~~ 78587R/cle/lnh
DECLASSIFIED BY SP-2 NEM/STG
ON 12/21/00
6/22/82 COMP # 87,082

JOSEPH KRAFT
INFORMATION CONCERNING

With reference to the surveillance which you recently requested concerning Joseph Kraft, I thought you would be interested in the information contained in the attached communication addressed to Mr. Ehrlichman at the White House.

Enclosure

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-15-95 BY SP-12 BTJ/sc
342-679

NATIONAL SECURITY INFORMATION
Unauthorized Disclosure
Subject to Criminal Sanctions

SENT FROM D. O.
TIME PM
DATE 11-7-69
BY F. J.

~~TOP SECRET~~
Group 1
Excluded from automatic
downgrading and
declassification

Memo Sullivan-DeLoach
11-7 "JOSEPH KRAFT."

65-75627-24

NOT RECORDED

JUN 13 1973

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

WCS:hrt
(4)

JUN 13 1973

~~TOP SECRET~~

~~SECRET~~

DO NOT FILE
JUNE

#moe 16 12/22/00
CLASSIFIED BY SP-2 ALM/STG
DECLASSIFY ON: 25X 1,6

November 7, 1969

Honorable John D. Ehrlichman
Assistant to the President
for Domestic Affairs
The White House
Washington, D. C.

JUNE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Dear Mr. Ehrlichman:

With reference to your interest in Joseph Kraft, it might be significant to note that he has contacts in the Polish Embassy, Washington, D. C., as indicated by information from a confidential source that on October 29, 1969, he contacted Jerzy Michalowski, Polish Ambassador to the United States, stating he had a luncheon appointment with the Counselor of the Polish Embassy, and suggesting that Michalowski join them. Michalowski, however, said he was busy on that date, but countered with an invitation for Kraft to visit him at the Polish Embassy on October 31, 1969, at 3:30 p.m. for a drink. Kraft accepted the invitation and Kraft's secretary subsequently confirmed the meeting for between 3:30 p.m. and 4 p.m. that date.](s)

(s) It might also be observed in this connection that Michalowski has indicated friendship for other Washington newspapermen in addition to Kraft. These include Charles Bartlett, Chalmers Roberts, Murray Marder, and Max Frankel.

Sincerely yours, NATIONAL SECURITY INFORMATION

Unauthorized Disclosure
Subject to Criminal Sanctions

See Sullivan-DeLoach

REC 11-7 memo "JOSEPH KRAFT."

WCS:hrt 65-75629-28

~~TOP SECRET~~

Group 1

Excluded from automatic
downgrading and
declassification

NOT RECORDED

JUN 13 1973

JUN 13 1973

UNITED STATES GOVERNMENT

Memorandum

MR. DE LOACH

DATE: 12-11-69

Tolson _____
DeLoach _____
Walters _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan ☒ _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

MR. SULLIVAN *JS*

DO NOT FILE
JUNE

SUBJECT: JOSEPH KRAFT
TECHNICAL SURVEILLANCE REQUEST

#342-679
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-15-95 BY SP12 BTG/AC

My memorandum of 11-5-69 reported that the Attorney General had requested coverage on captioned individual, a columnist for the Publishers-Hall Syndicate, Washington, D. C. My memorandum reported that we were instituting a spot surveillance on Kraft and enclosed a memorandum to the Attorney General requesting his approval for a technical surveillance on him.

The spot surveillance has been unproductive from an intelligence viewpoint. We have not received an answer from the Attorney General on our request for a technical surveillance. *JS*

RECOMMENDATION:

That the enclosed memorandum for the Attorney General be approved. It advises him that the spot surveillance has not been productive, technical surveillance was not installed, and unless advised to the contrary by 12-12-69, spot surveillance will be discontinued.

JAS:hrt
ORIGINAL ONLY

Enc. *sent*
12-11-69 *JS*

REC-100 65-75629-31

65-75629-31
NOT RECORDED

JUN 13 1973

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JUN 13 1973 *JS*

~~TOP SECRET~~

DO NOT FILE
JUNE

December 11, 1969

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: JOSEPH KRAFT
TECHNICAL SURVEILLANCE REQUEST

My memorandum of November 5, 1969, informed you that pursuant to your request for coverage on Kraft we had determined that it was feasible to install a telephone surveillance on him and asked authority to install this coverage.

Since that time, we have conducted a spot surveillance on Kraft which has been unproductive from an intelligence viewpoint. No authority was received from you for the installation of a telephone surveillance and, therefore, no such surveillance has been installed.

Under the circumstances, and unless you advise otherwise, the spot surveillance will be discontinued December 12, 1969.

Respectfully,

NATIONAL SECURITY INFORMATION

Unauthorized Disclosure
Subject to Criminal Sanctions

John Edgar Hoover
Director

ORIGINAL AND ONE FOR AG

YELLOW

JAS:hrt

~~TOP SECRET~~
Group 1

Excluded from automatic
downgrading and
declassification

JUN 13 1973

MAIL ROOM ☐ TELETYPE UNIT ☐

See memo Sullivan-
DeLoach 12-11 "JOSEPH KRAFT"
JAS:hrt.

SENT FROM D. O.
TIME 4:35 PM
DATE 12-11-69
BY [Signature]

DECLASSIFIED BY SP-12 BTJ/180
3-15-95
#942-679

Tolson _____
DeLoach _____
Walters _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____



Office of the Attorney General
Washington, D. C. 20530

May 2, 1975

#342-679
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-15-95 BY SP-2 BTJ/2C

Lloyd N. Cutler, Esquire
Wilmer, Cutler & Pickering
1666 K Street, N.W.
Washington, D.C. 20006

Dear Mr. Cutler:

Pursuant to our discussions concerning the disposition of certain records relating to the surveillance activities directed at your client, Mr. Joseph Kraft, the Department is making the following temporary arrangements:

1. Pending further Departmental action relating to the policies which will govern records of the type involved in Mr. Kraft's case, all documents, recordings, or other records of any type in the Department's custody or control which constitute, summarize, or describe the contents of the over-hearings obtained as the result of any electronic surveillance directed against Mr. Kraft and members of his family will be placed under seal.
2. As long as the items described above remain under seal, no official or employee of the Department will have access to them for any purpose, and no official or employee of the Department will allow any person outside of the Department to have any such access, except as described below. The only material referring to these items will be a single index card needed to locate the sealed items. The index card will bear only Mr. Kraft's name and a file number.
3. Should some future need which we do not now foresee require any official or employee of the Department to obtain or permit access to the aforesaid items, the decision on such access shall be made personally by the Attorney General. The Attorney General shall not grant any access without notifying Mr. Kraft or his counsel in writing at least ten days prior thereto, and providing him or

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

5. Phillips

them an opportunity to discuss the matter personally with the Attorney General before the grant is made. The notice shall set forth the date upon which access will be permitted if it is granted, and the purpose for which and person by whom access is sought. The Attorney General will personally inform Mr. Kraft or his counsel of a decision to grant access as soon as practicable after it is made, but in any event at least five business days before access occurs.

4. Although this arrangement is not intended to constitute a permanent solution to the questions you have raised concerning these documents, it will not be rescinded or modified by the Attorney General or his successors unless the Attorney General gives Mr. Kraft or his counsel ten days' prior notice and affords him or them an opportunity to discuss the matter personally with the Attorney General before he rescinds or modifies the agreement. If the Attorney General then decides to rescind or modify this agreement he shall personally inform Mr. Kraft or his counsel of that decision at least five business days before it is implemented.

As a result of our discussions, I understand that this temporary arrangement is acceptable to Mr. Kraft, of course without waiver of any legal rights he may have as a result of prior surveillances. As I advised you, we are working now on general policy determinations which, we hope, will offer a permanent solution to the problem this settles temporarily. Of course, under the terms of this agreement we will notify you of any policy determination which would involve a modification of this agreement.

Until a final policy is determined, this agreement should assure Mr. Kraft that no person will read or otherwise use these documents in any manner so long as they remain under the seal arrangement.

Sincerely,


Edward H. Levi
Attorney General

The Attorney General
Attention: Mr. Jack Fuller
Special Assistant to the Attorney General

August 12, 1975

Director, FBI

AGREEMENT WITH JOSEPH KRAFT

- 1 - Mr. Wannall
- 1 - Mr. McDermott
- 2 - Mr. Mintz
- 1 - Mr. Donahue

By memorandum dated May 6, 1975, you requested that this Bureau undertake the steps necessary to implement the agreement enclosed with your memorandum, placing certain electronic surveillance records under seal. This is to notify you that those records have now been placed under seal in compliance with your request and the terms of the agreement.

#342-679
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-15-95 BY 912-BTD/100

REC-26
EX-101

65-75629
21 AUG 14 1975

1 - The Deputy Attorney General

NOTE: Files and Communications Division has notified Legal Counsel Division that it has completed the process of physical sealing called for. Serials affected noted in serial 63 of Bufile 65-75629. The agreement concerns documents reporting the contents of electronic overhearings directed against a columnist, Joseph Kraft, in Paris, France, in July, 1969.

MAILED 7

AUG 13 1975

FBI

Dir. _____
AD Adm. _____
AD Inv. _____
Dir. _____
in. _____
p. Syst. _____
Affairs _____
s & Com. _____
Inv. _____
t. _____
ection _____
li. _____
oratory _____
n. & Eval. _____
c. Inv. _____
ning _____
l Coun. _____
hane Rm. _____

(Bufile 65-75629)

PGD:kiw

(9)

501279 100-1035829896 TELETYPE UNIT ☐ P. R. SHEA - 4266 JEH

GPO 534-546

UNITED STATES GOVERNMENT

~~SECRET~~

Memorandum

~~TOP SECRET~~

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conmy _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

TO : Mr. E. S. Miller

DATE: 6/8/73

FROM : T. J. Smith

1 - Mr. Eardley

1 - Mr. Miller

1 - Mr. T.J. Smith

SUBJECT: SPEC OV

CLASSIFIED BY SP2AM/HIG
DECLASSIFY ON: 25X1,6
JUNE

A United Press International (UPI) bulletin dated 6/6/73 which quoted "The New York Times," said that John D. Ehrlichman in 1969 directed that a wiretap be placed on the syndicated columnist, Joseph Kraft, while the writer was away on vacation. The bulletin said that the tap was removed before his return, when Ehrlichman told former White House aide, John Caulfield, to call it off. Caulfield, according to the bulletin, assumed that the "bug" was ordered removed because The White House convinced the FBI to put a tap of its own on Kraft. The Acting Director inquired, "Did we?"

Among the records recovered at The White House on 5/12/73, by the Acting Director and Section Chief Thomas J. Smith, were two folders which were unquestionably related to the same individual. One was marked CATO (Top Secret) Sensitive Material - W. C. Sullivan" and the other was marked "Joseph Kraft." For the most part, material in the "CATO" folder consisted of thin copies of informal memoranda from W. C. Sullivan to Mr. Hoover. Also contained in the folder, however, were nineteen pages (in duplicate) amounting to a transcript of tape recordings of microphone coverage. There were also some personal reports to Sullivan from the Legal Attache in Paris, Norman W. Philcox, and some cablegrams to and from Legal Attache, Paris, bearing the codeword "CATO."

A review of the material in both folders reveals that W. C. Sullivan, apparently with the full knowledge and consent of Mr. Hoover, personally travelled to Paris, France, where he arranged with French authorities to place a microphone in the hotel room of Joseph Kraft while Kraft was in Paris. Tape recordings were then turned over to the Legal Attache, who forwarded them back to Washington for transcription and review. Documents in the folder reveal that it was not possible to install a telephone tap in Paris. The Joseph Kraft folder contained the original informal memoranda from Sullivan to Mr. Hoover. It also contains the yellow file copies of letters to Mr. Ehrlichman dated 7/15/69 and 11/7/69. A copy of the 11/7/69 letter to Ehrlichman was

NATIONAL SECURITY INFORMATION
Unauthorized Disclosure
Subject to Criminal Sanctions

TJS:wmc (3)

~~TOP SECRET~~

ROUTE IN ENVELOPE

Classified by 6283 WOC/8 10/3/75

Exempt from GDS, Category 2 & 3

Date of Declassification Indefinite

CONTINUED - OVER

~~TOP SECRET~~

Memorandum to Mr. E. S. Miller
Re: SPECOV

also sent to the Attorney General. The 7/15/69 letter to Ehrlichman was a report of the microphone coverage of Kraft in Paris. [The 11/7/69 letter reported a contact by Kraft with Jerzy Michalowski, Polish Ambassador to the United States and an invitation to Kraft to visit the Polish Embassy for a drink. This was likely from coverage of the Polish Embassy.] (S)

With specific reference, however, to the question of whether the FBI ever had a wiretap on Kraft in the United States, the material in the Joseph Kraft folder indicates that consideration was given to installing a wiretap on Kraft, but due to failure of the Attorney General to provide (written) approval, it was never installed.

A W. C. Sullivan to DeLoach memorandum 11/4/69, captioned "Joseph Kraft, Information Concerning" recited that a DeLoach memorandum of the same date set out the Attorney General's request for coverage of Kraft. The Attorney General, according to Sullivan's memorandum (DeLoach's memorandum is not in this folder or elsewhere in the records) asked the Bureau's views as to type of coverage which should be instituted. Sullivan said that it was the feeling of the Domestic Intelligence Division that a close physical surveillance of Kraft would be too dangerous; that it was believed a selective spot surveillance in the evening relative to Kraft's social contacts would be safe and would be productive. Sullivan's memorandum also related that a technical installation on his telephone might produce the information desired by the Attorney General. Authority was given on this memorandum for the Washington Field Office to conduct a survey to determine feasibility of placing a technical surveillance (wiretap) on Kraft's phone, both at his office and his residence.

A Sullivan to DeLoach memorandum dated 11/5/69 reported that the Washington Field Office determined that a technical surveillance was feasible. Accordingly, a memorandum consisting of only the original was attached requesting approval of the Attorney General for a technical surveillance on Kraft. This was sent from the Director's office 11/5/69.

~~TOP SECRET~~

CONTINUED - OVER

~~SECRET~~

~~TOP SECRET~~

Memorandum to Mr. E. S. Miller
Re: SPEC OV

The most recent memorandum in the Kraft folder was a Sullivan to DeLoach memorandum dated 12/11/69, which stated that a spot (physical) surveillance had been unproductive from an intelligence standpoint and that we had not received an answer from the Attorney General on our request for a technical surveillance. Attached to this memorandum was a memorandum for the Attorney General which stated that a spot surveillance on Kraft had been unproductive and that no authority was received from him for the installation of a telephone surveillance and, therefore, no such surveillance was installed. The memorandum also informed the Attorney General that under the circumstances and unless he advised otherwise, the spot surveillance would be discontinued 12/12/69. No subsequent documents were contained in either folder.

As a matter of interest, the Kraft folder contains a yellow file copy of a letter from Mr. Hoover to Mr. Jean Rochet, Director, Direction de la Surveillance du Territoire, Paris, France, expressing appreciation for the unprecedented and remarkably efficient assistance rendered to the FBI. This letter of appreciation, bearing the dictator's initials of W. C. Sullivan, no doubt referred to assistance relative to installation of microphone coverage on Kraft in Paris.

SENSITIVE
FOREIGN
INTELLIGENCE
SOURCE

A check of our electronic surveillance indices was made on 6/7/73. However, there is no record that Joseph Kraft was ever the subject of either a telephone or microphone surveillance in the United States. It would appear that if any wiretap was placed on Kraft in the United States, as alleged in the UPI bulletin, it would have been by the group in The White House associated with Ehrlichman, Caulfield, et al. None were placed on Kraft by the FBI, according to the records available to us.

ACTION:

In response to the Acting Director's inquiry.

~~TOP SECRET~~

EM

JS

- 3 -

SECRET

*Herrington**See page 2. WDR*
ask: "Did we?"
gkc

Mr. Baker _____
 Mr. Callahan _____
 Mr. Cleveland _____
 Mr. Conrad _____
 Mr. Gebhardt _____
 Mr. Jenkins _____
 Mr. Marshall _____
 Mr. Miller, E.S. _____
 Mr. Soyars _____
 Mr. Thompson _____
 Mr. Walters _____
 Tele. Room _____
 Mr. Baise _____
 Mr. Barnes _____
 Mr. Bowers _____
 Mr. Herrington _____
 Mr. Conmy _____
 Mr. Mintz _____
 Mr. Eardley _____
 Mrs. Hogan _____

#1342-679
 ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 3-15-95 BY SP12 BTJ/JC

UPI011

(EHRlichman)

NEW YORK (UPI) -- THE NEW YORK TIMES SAID TODAY THAT JOHN EHRlichman APPROVED A SERIES OF SPY MISSIONS AND TWO PREVIOUSLY UNDISCLOSED ILLEGAL WIRETAPS BEGINNING IN 1969.

THE TIMES ALSO REPORTED THAT "OFFICIALS KNOWLEDGEABLE ABOUT THE WATERGATE INVESTIGATION" SAID "DETAILED PLANNING FOR A NUMBER OF WHITE HOUSE-ORDERED BURGLARIES WAS AUTHORIZED BY MR. EHRlichman, ALTHOUGH IT COULD NOT BE LEARNED WHETHER ANY SUCH BURGLARIES...ACTUALLY TOOK PLACE."

FORMER WHITE HOUSE AIDES JOHN CAULFIELD AND ANTHONY ULASEWICZ WERE IN CHARGE OF THE OPERATIONS, THE TIMES SAID.

THE TIMES QUOTED A "SOURCE WHO WAS CLOSELY INVOLVED" AS SAYING THAT IN 1969 EHRlichman DIRECTED THAT A TAP BE PLACED ON THE TELEPHONE OF SYNDICATED COLUMNIST JOSEPH KRAFT WHILE THE WRITER WAS AWAY ON VACATION. THE TAP WAS REMOVED BEFORE HIS RETURN, THE SOURCE SAID, WHEN EHRlichman TOLD CAULFIELD TO CALL IT OFF, ACCORDING TO THE TIMES.

CAULFIELD ASSUMED THE BUG WAS ORDERED REMOVED BECAUSE THE WHITE HOUSE CONVINCED THE FBI TO PUT A TAP OF ITS OWN ON KRAFT, THE TIMES SAID.

ANOTHER BUG WAS PLACED ON THE PHONE OF AN ADMINISTRATION STAFFER, ACCORDING TO THE TIMES' SOURCES, WHO TOLD OF A PLAN TO BURGLARIZE THE WASHINGTON OFFICES OF THE BROOKINGS INSTITUTION, A LIBERAL RESEARCH GROUP, IN AN EFFORT TO GET PAPERS FROM THAT STAFFER'S SAFE AFTER HE RESIGNED.

THE TIMES SAID THAT MORTON HALPERIN, AN ASSOCIATE OF DANIEL ELLSBERG WHO WAS THEN A MEMBER OF THE NATIONAL SECURITY COUNCIL, HAD LEFT THE ADMINISTRATION FOR A POST AT BROOKINGS AT ABOUT THE SAME TIME.

THE TIMES SAID OTHER TARGETS OF THE CAULFIELD-ULASEWICZ INVESTIGATIONS INCLUDED: SEN. EDWARD KENNEDY, D-MASS.; HOUSE SPEAKER CARL ALBERT, D-OKLA.; SEN. EDMUND MUSKIE, D-MAINE; SEN. HUBERT HUMPHREY, D-MINN; AND THE ALLEGED HARASSMENT OF MRS. DAVID EISENHOWER, THE PRESIDENT'S DAUGHTER, BY A FLORIDA SCHOOL TEACHER.

UPI 06-06 09:07 AED

WASHINGTON CAPITAL NEWS SERVICE

ENCLOSURE

Mr. Baker _____
 Mr. Callahan _____
 Mr. Cleveland _____
 Mr. Conrad _____
 Mr. Gebhardt _____
 Mr. Jenkins _____
 Mr. Marshall _____
 Mr. Miller, E.S. _____
 Mr. Soyars _____
 Mr. Thompson _____
 Mr. Walters _____
 Tele. Room _____
 Mr. Baise _____
 Mr. Barnes _____
 Mr. Bowers _____
 Mr. Herington _____
 Mr. Conmy _____
 Mr. Mintz _____
 Mr. Eardley _____
 Mrs. Hogan _____

082A

TIMES 6-6

NEW YORK (UPI) -- THE NEW YORK TIMES SAID TODAY THAT JOHN D. EHRLICHMAN, FORMER CHIEF DOMESTIC ADVISER TO PRESIDENT NIXON, APPROVED A SERIES OF SPY MISSIONS AND TWO PREVIOUSLY UNDISCLOSED ILLEGAL WIRETAPS BEGINNING IN 1969.

THE TIMES ALSO REPORTED THAT "OFFICIALS KNOWLEDGEABLE ABOUT THE WATERGATE INVESTIGATION" SAID "DETAILED PLANNING FOR A NUMBER OF WHITE HOUSE-ORDERED BURGLARIES WAS AUTHORIZED BY MR. EHRLICHMAN, ALTHOUGH IT COULD NOT BE LEARNED WHETHER ANY SUCH BURGLARIES...ACTUALLY TOOK PLACE."

FORMER WHITE HOUSE AIDES JOHN J. CAULFIELD AND ANTHONY T. ULASEWICZ, BOTH OF WHOM TESTIFIED LAST MONTH AT HEARINGS OF THE SENATE WATERGATE COMMITTEE, WERE IN CHARGE OF THE OPERATIONS, THE TIMES SAID.

THE NEWSPAPER SAID THERE WERE AT LEAST 18 OF THE SECRET MISSIONS, INCLUDING INTERROGATION OF WITNESSES TO THE MY LAI SLAYINGS IN SOUTH VIETNAM TO DETERMINE IF NEWSPAPER REPORTS WERE ACCURATE AND BACKGROUND CHECKS ON REP. MARIO BIAGGI, D-N.Y., WHO IN 1969 DENOUNCED THE NIXON ADMINISTRATION AS ANTI-ITALIAN-AMERICAN.

THE TIMES QUOTED A "SOURCE WHO WAS CLOSELY INVOLVED" AS SAYING THAT IN 1969 EHRLICHMAN DIRECTED THAT A TAP BE PLACED ON THE TELEPHONE OF SYNDICATED COLUMNIST JOSEPH KRAFT WHILE THE WRITER WAS AWAY ON VACATION. THE TAP WAS REMOVED BEFORE HIS RETURN, THE SOURCE SAID, WHEN EHRLICHMAN TOLD CAULFIELD TO CALL IT OFF, ACCORDING TO THE TIMES.

CAULFIELD ASSUMED THE BUG WAS ORDERED REMOVED BECAUSE THE WHITE HOUSE CONVINCED THE FBI TO PUT A TAP OF ITS OWN ON KRAFT, THE TIMES SAID.

ANOTHER BUG WAS PLACED ON THE PHONE OF AN ADMINISTRATION STAFFER, ACCORDING TO THE TIMES' SOURCES, WHO TOLD OF A PLAN TO BURGLARIZE THE WASHINGTON OFFICES OF THE BROOKINGS INSTITUTION, A LIBERAL RESEARCH GROUP, IN AN EFFORT TO GET PAPERS FROM THAT STAFFER'S SAFE AFTER HE RESIGNED.

WASHINGTON CAPITAL NEWS SERVICE

ENCLOSURE

THE TIMES SAID THAT MORTON H. HALPERIN, AN ASSOCIATE OF DANIEL ELLSBERG WHO WAS THEN A MEMBER OF THE NATIONAL SECURITY COUNCIL, HAD LEFT THE ADMINISTRATION FOR A POST AT BROOKINGS AT ABOUT THE SAME TIME.

THE TIMES SAID OTHER TARGETS OF THE CAULFIELD-ULASEWICZ INVESTIGATIONS INCLUDED: SEN. EDWARD M. KENNEDY, D-MASS.; HOUSE SPEAKER CARL ALBERT, D-OKLA.; SEN. EDMUND S. MUSKIE, D-MAINE; SEN. HUBERT H. HUMPHREY, D-MINN; AND THE ALLEGED HARASSMENT OF MRS. DAVID EISENHOWER, THE PRESIDENT'S DAUGHTER, BY A FLORIDA SCHOOL TEACHER.

UPI 06-06 07:38 AED

ENCLOSURE

1-Mr. Miller
1-Mr. Smith
1-Mr. Wagoner

Mr. Archibald Cox
Special Prosecutor

Director, FBI

July 23, 1973

BY LIAISON

JOSEPH KRAFT

JUNE

*Delivered
7/25/73 JFW*

Reference is made to a conference on July 3, 1973, between Special Agents James R. Wagoner and James J. Dolan of this Bureau and Mr. Philip B. Heymann and Mr. Philip Bakes of the Office of the Special Prosecutor. A request was made that the Special Prosecutor's Office be advised of any investigation conducted by the FBI relating to Joseph Kraft.

Enclosed are the original and one copy of a memorandum which sets forth information regarding FBI involvement in an investigation of Kraft while he was in Paris, France, during 1969 as well as information reported to the Washington Field Office of the FBI by Kraft concerning a burglary of his residence during 1969.

A copy of the enclosed memorandum is also being furnished the Attorney General.

Enclosure

342679
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-17-95 BY SP4 BTJ/JC

JRW:nlb (6)
nlb

65-75629
65-75385
NOT RECORDED
167 JUL 27 1973

JUL 26 1973

62-115682

ENCLOSURE

TOP SECRET MATERIAL ATTACHED

ROUTE IN ENVELOPE

AUG 6 1973 NATIONAL SECURITY INFORMATION

Unauthorized Disclosure
Subject to Criminal Sanctions

Sec. Dir. _____
Asst. Dir. _____
Adm. _____
Comp. Syst. _____
Ident. & Com. _____
In. Inv. _____
Int. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Rec. Inv. _____
Training _____
Off. Sec'y _____
Tech. Serv. _____
Telephone Rm. _____
Director Sec'y _____

MAIL ROOM ☐ TELETYPE UNIT ☐

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE.

SECRET

JUNE

1-Mr. Miller
1-Mr. T. J. Smith
1-Mr. Wagoner

July 18, 1973

100-16-12-22-00
CLASSIFIED BY SP-2 ALM/776
DECLASSIFY ON: 25X1,6

JOSEPH KRAFT

A United Press International bulletin dated June 6, 1973, which quoted "The New York Times" said that John D. Ehrlichman in 1969 directed that a wiretap be placed on the syndicated columnist Joseph Kraft while he was away on vacation. The bulletin said that the tap was removed before his return when Ehrlichman told former White House aide John Caulfield to call it off. Caulfield, according to the bulletin, assumed that the "bug" was ordered removed because The White House convinced the FBI to put a tap of its own on Kraft.

The files of the FBI do not reveal that Joseph Kraft was ever the subject of direct telephone surveillance by the FBI in the United States. However, on May 12, 1973, certain records were recovered from The White House included among which were two folders which were unquestionably related to the same individual. One folder was marked "CATO (Top Secret) sensitive material - W. C. Sullivan" and the other was marked "Joseph Kraft". The W. C. Sullivan referred to was formerly the Assistant to the Director of the FBI. For the most part material in the "CATO" folder consisted of thin copies of informal memoranda from W. C. Sullivan to former FBI Director John Edgar Hoover. Also contained in this folder were nineteen pages (in duplicate) of material amounting to a transcript of tape recordings of a microphone surveillance. There were also some personal reports to Sullivan from the Legal Attache in Paris, France, and some cablegrams to and from the Legal Attache bearing the code word "CATO". The folder marked "Joseph Kraft" contained the originals of the informal memoranda referred to above as well as a copy of a letter to Mr. John D. Ehrlichman dated July 15, 1969, which was a report of the microphone coverage of Kraft while in Paris.

NATIONAL SECURITY INFORMATION
Unauthorized Disclosure
Subject to Criminal Sanctions

A review of the material in both folders revealed that Sullivan apparently with the full knowledge and consent of Hoover, personally traveled to Paris, France, where he arranged with the Direction de la Surveillance du Territoire (the FBI equivalent in France) to place a microphone in the hotel room of

SENSITIVE
FOREIGN
INTELLIGENCE
SOURCE

TOP SECRET

JRW:nlb (6)

SEE NOTE PAGE 3

Classified by Director, FBI
Exempt from GDS Category Number 2
Date of Declassification Indefinite

65-75629- ROUTE IN ENVELOPE

MAIL ROOM ☐ TELETYPE UNIT ☐

~~SECRET~~

1-Mr. [illegible]
1-Mr. [illegible]
1-Mr. [illegible]

JOSEPH KRAFT

Joseph Kraft while Kraft was in Paris. Tape recordings were turned over to the Legal Attache who furnished them to FBI Headquarters for transcription and review. Documents in the folders reveal it was not possible to install a telephone tap in Paris.

With specific reference as to the question whether the FBI ever had a wiretap on Kraft in the United States, the material in the Joseph Kraft folder indicates that consideration was given to installing a wiretap on Kraft but due to the failure of the Attorney General to provide written approval it was never instituted.

A memorandum dated November 4, 1969, in the Kraft folder indicates the then Attorney General requested coverage of Kraft. As a result, a selective physical "spot surveillance" was initiated on Kraft during the evenings; however, this was determined to be unproductive from an intelligence standpoint and the Attorney General was advised by memorandum dated December 12, 1969, that this surveillance would be discontinued unless advised to the contrary. No subsequent documents were contained in either folder.

On September 4, 1969, Joseph Kraft advised the Washington Field Office of the FBI that he left his home (3021 N Street, N.W., Washington, D. C.) at approximately 9:20 P.M. on September 3, 1969, to visit with former Governor Averell Harriman who resided a few doors from the Kraft residence. At approximately 9:45 P.M. Mrs. Kraft, who was in the second floor bedroom of the residence, came down the stairs and found the front door open.

Subsequently, it was discovered by Mr. and Mrs. Kraft several items of sterling silver were missing from the dining room and the pantry which items, according to the Krafts, had an estimated value of approximately \$10,000.

A crime scene search and processing of the crime scene by the Metropolitan Police Department produced negative results. No forcible entry was noted and Mr. Kraft advised investigative officers of the Metropolitan Police Department that he had probably left the front door ajar when he departed the residence.

On the morning of September 4, 1969, the Metropolitan Police Department was advised by the Washington National Airport Police that some silverware had been found near one of the entrances to the terminal at the Washington National Airport. The silverware was recovered by the Metropolitan Police

~~TOP SECRET~~

~~TOP SECRET~~

JOSEPH KRAFT

Department and processed for latent fingerprints without success and the items were returned to Mrs. Kraft upon her identification of the silverware. No suspects were developed by either the FBI or the Metropolitan Police Department in the investigation of the matter.

NOTE:

Classified Top Secret since it sets forth information showing French Government cooperation with the FBI in a national security matter, the unauthorized disclosure of which could cause grave damage to the national security.

Per a prior request from the Special Prosecutor's Office that Office was advised that Joseph Kraft was not the subject of an FBI wiretap. Subsequent to this advice, the Special Prosecutor's Office requested that it be furnished any information concerning an investigation of Kraft by the FBI as well as any information concerning a burglary allegedly committed against Kraft. In addition to the data set forth in the enclosed memorandum to Cox, [FBI files set forth information indicating Kraft was overheard on wiretap coverage of several (S) diplomatic establishments.] This information is not being furnished Cox since it does not relate to an investigation of Kraft nor is the information within the purview of matters being inquired into by Cox's Office.

The original and one copy of this memorandum is being furnished Special Prosecutor Cox by separate memorandum and a Xerox copy is being furnished the Attorney General by separate memorandum.

SECRET

~~TOP SECRET~~

Memorandum

TO : Clarence M. Kelley
Director
Federal Bureau of Investigation

DATE: January 4, 1974

FROM : Henry S. Ruth
Deputy Special Prosecutor
Watergate Special Prosecution Force

SUBJECT: Surveillance of Joseph Kraft

Asst. Dir.:
Adm. _____
Comp. Syst. _____
Ext. Affairs _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

On July 23, 1973, your office furnished us with a memorandum summarizing a 1969 Bureau investigation of Joseph Kraft conducted in Paris, France. Pursuant to this office's continuing investigation of a White House directed wiretap placed on the residential phone of Joseph Kraft in June 1969, we would appreciate the opportunity to view the Bureau's complete file on the Paris investigation, including logs of overheard conversations. Mr. Philip J. Bakes, Jr. of this office should be contacted to arrange a mutually convenient time to study the files. Mr. Bakes, of course, has the appropriate security clearances.

#342-679
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-15-95 BY SP12 BTJ/IC

Chuck Breyer, WSPF
permitted to review material
except that which identified
sources involved. TJS

65-75629-38

18 JUL 24 1974

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

JUL 29 1974



ASSOCIATE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

January 8, 1974

MEMORANDUM FOR FILE

Assoc. Dir.	<input checked="" type="checkbox"/>
Asst. Dir.:	
Admin.	<input type="checkbox"/>
Comp. Syst.	<input type="checkbox"/>
Ext. Affairs	<input type="checkbox"/>
Files & Com.	<input type="checkbox"/>
Gen. Inv.	<input type="checkbox"/>
Ident.	<input type="checkbox"/>
Inspection	<input type="checkbox"/>
Intell.	<input type="checkbox"/>
Laboratory	<input type="checkbox"/>
Plan. & Eval.	<input type="checkbox"/>
Spec. Inv.	<input type="checkbox"/>
Training	<input type="checkbox"/>
Records Mgmt.	<input type="checkbox"/>
Telephone Rm.	<input type="checkbox"/>
Director Sec'y	<input type="checkbox"/>

TO: Mr. Edward S. Miller
Federal Bureau of Investigation

FROM: Gary H. Baise
Office of the Deputy Attorney General

SUBJECT: Joseph Kraft Matter

DC
Lloyd Cutler, an attorney with Wilmer, Cutler and Pickering, had requested Mr. Ruckelshaus to write a letter declaring that any surveillance of Joseph Kraft, the columnist, had not been conducted pursuant to national security reasons. Mr. Ruckelshaus was unable to send this letter because of his departure on October 20, and, as you and I have discussed and Mr. Saxbe has concurred, in our opinion it is impossible for us to send that letter. In addition, Mr. Cutler requested that the Department issue a policy declaring that no journalist would ever be tapped for national security reasons. Pursuant to our discussion, it was concluded that this was impossible for us to do also.

I called Mr. Cutler today to advise him that (1) we would not be sending the letter he requested and (2) we would not be issuing the policy statement he requested. He was, of course, concerned that we were not complying with his original request. He suggested that the only reasonable alternative left for Mr. Kraft was to litigate the issue. At that point we concluded our telephone conversation and hung up.

GHB:fhm

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ENCLOSURE

65-75629-39

18 JUL 24 1974

RECEIVED

FILE

JUL 29 1974

Facts: According to the sketchy available information, it appears that a wiretap was placed upon the telephone at the residence of Joseph Kraft some time during June 1969. In his public testimony before the Ervin Committee, John Erhlichman admitted that he ordered John Caulfield to install the tap, but he claimed that Caulfield's attempt to comply with his order "never came to anything." He also claimed that he had discussed the tap with the President, and that the operation was ordered for reasons of the "national security." Other available information seems to indicate that the wiretap was installed at Caulfield's direction by John Ragan. It also appears that the tap was operative for a short period, and that it was subsequently removed.

According to former Attorney General Richardson's testimony before the Senate Judiciary Committee on November 8, 1973, after Caulfield's operation was terminated, the matter was referred to the FBI. Other information indicates that during the fall and winter months of 1969, the FBI arranged for electronic surveillance of Mr. Kraft during a visit to Paris, and it conducted physical surveillance of Mr. Kraft's activities in Washington. The FBI denies placing any subsequent wiretap at Mr. Kraft's residence in Washington.

342-679
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-15-95 BY SP-12 BTJ/10

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Received from Gary Baise 12/10/73
He got from Joe Kraft's Attorneys -

TJS

ENCLOSURE

While it appears that former FBI Director Hoover may have ordered the FBI surveillances on instructions from the White House, Dr. Kissinger has informed Mr. Kraft that he knew nothing about any such orders and that the results of the surveillances were never brought to his attention. Moreover, it is understood that the FBI files on the matter state no national security reasons for these surveillances. Under these circumstances, it is difficult to see how a claim of national security justification could reasonably be advanced.

Discussions with Department of Justice: During the summer and early fall of 1973, counsel for Mr. Kraft conducted discussions with Attorney General Richardson and Deputy Attorney General Ruckelshaus. These discussions were initiated with a view toward accomplishing two basic purposes, without the need for extensive litigation:

1. Establishing as a matter of record that in the opinion of the Attorney General the 1969 surveillance activities were not reasonably justified as necessary to obtain information vital to the national security, either in its domestic or foreign aspects, and that these surveillances disclosed no activities of Mr. Kraft which posed any national security danger; and

2. Establishing a governmental policy for the future which would prohibit warrantless electronic surveillance of journalists engaged in gathering news in the pursuit of their profession, whether or not the government claims a legal right to engage in such

activities

While counsel believes that litigation could accomplish both of the above objectives, and that the underlying principles could be established as a matter of law, counsel has been endeavoring, on Mr. Kraft's instructions, to explore the possibility of establishing both points administratively before litigation is commenced. Prior to the resignations of Mr. Richardson and Mr. Ruckelshaus, substantial progress was being made on both points. Mr. Ruckelshaus had reviewed the available factual information concerning the surveillances, and both he and Mr. Richardson reported that they were working on departmental regulations limiting warrantless "national security" surveillances. Attorney General Richardson also informed the Senate Foreign Relations Committee during the confirmation hearing for the Secretary of State that he and Mr. Ruckelshaus were engaged in a "full-scale effort" to establish new standards in this area, and the Committee has established a special subcommittee to monitor these efforts. It is our hope that this progress can continue and that both the Department of State and the Department of Justice will promptly support efforts to clarify the facts concerning the surveillances of Mr. Kraft and to issue definitive regulations prohibiting similar activities, without a judicial warrant, in the future.

The Attorney General

September 27, 1974

Director, FBI

#342-679
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-15-95 BY SP-12 BTJ/AC

REQUEST OF MR. LLOYD N. CUTLER
REPRESENTING MR. JOSEPH KRAFT
TO DESTROY ALL FILES RELATING
TO SURVEILLANCE OF MR. JOSEPH KRAFT

- 1 - Mr. Adams
- 1 - Mr. Wannall
- 1 - Mr. Marshall
- 1 - Mr. Walsh
- 1 - Mr. Mintz

NO LCC

9/27/74 I received a letter from Mr. Lloyd N. Cutler dated September 23, 1974, enclosing a copy of a letter he addressed to you also dated September 23, 1974, copies of both of which are attached for your information.

In view of the important legal and policy questions presented by these letters, I request that you designate a representative to discuss the policy and legal implications of this matter with our Legal Counsel in order to reach a mutually acceptable policy for responding to the request. Our final policy determinations could be presented for your concurrence.

Enclosures (2)

- 1 - The Deputy Attorney General
- 1 - Assistant Attorney General
Criminal Division
- 1 - Assistant Attorney General
Office of Legal Counsel

REC-1

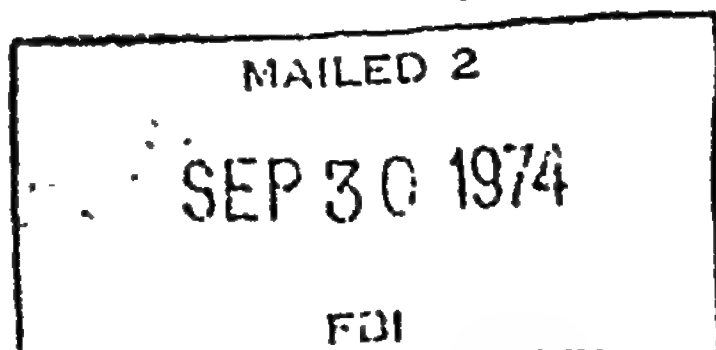
65-75629-4

SEP 30 1974

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9/26/74
NOTE: Based on memo Legal Counsel to Mr. Adams 9/26/74, captioned "Lloyd N. Cutler, Attorney for Joseph Kraft," JAM:mfd.

JAM:mfd
(11)



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 ALFRED E. DAVIDSON
 GERARD C. SMITH
 COUNSEL

WILMER, CUTLER & PICKERING

1666 K STREET, N. W.
 WASHINGTON, D. C. 20006

CABLE ADDRESS: WICRING WASH., D. C.
 INTERNATIONAL TELEX: 440-239
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 TELEPHONE 202-872-6000

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 TELEPHONE 01-236-2401
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 Dep. AD. Inv. ☒
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 Admin. ☒
 Comp. Syst. ☒
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 Legal Coun. ☒
 Plan. & Eval. ☒
 Spec. Inv. ☒
 Training ☒
 Telephone Rm. ☒
 Director Sec'y ☒

*Check in contact with
 AG & will be decided by
 the committee
 agree upon*
 September 23, 1974
 K

Mr. Clarence M. Kelley
 Director
 Federal Bureau of Investigation
 Department of Justice
 Washington, D. C. 20530

#342-679
 ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 3-15-95 BY SP-12 BTJ/JO

Dear Mr. Kelley:

Attached is a copy of a letter which we have sent today to the Attorney General. The letter concerns the disposition of certain FBI records concerning the surveillance of Mr. Joseph Kraft.

We have addressed the attached correspondence to the Attorney General because it raises questions of policy which have implications for the entire Department. However, we of course recognize the primary interest of the FBI in these issues, and accordingly Mr. Kraft and I would appreciate an opportunity to discuss the matter with you at your convenience.

Sincerely,

Lloyd N. Cutler

Lloyd N. Cutler

*Let to Mr. Cutler
 9/27/74 JAM. jr.*

ENCLOSURE

Enclosure

Copy made for Tele. Rm.

9/24/74

65-75629-42

18 OCT 3 1974

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WILMER, CUTLER & PICKERING

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MARY A. McREYNOLDS
A. DOUGLAS MELAMED
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STEPHEN A. WEISWASSER
EZEKIEL G. STODDARD
ALFRED E. DAVIDSON
GERARD C. SMITH
COUNSEL

September 23, 1974

William B. Saxbe, Esq.
Attorney General
Department of Justice
Washington, D. C. 20530

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-17-95 BY SP-12 BTJ/lc

Dear Mr. Attorney General:

As counsel for Mr. Joseph Kraft, I am writing about the disposition of the files relating to the results of the personal and electronic surveillance of Mr. Kraft and the members of his family and household, conducted by the Federal Bureau of Investigation and by officials or employees of the White House in 1969. Testimony before the Senate Select Committee on Presidential Campaign Activities, the House Judiciary Committee, and three Senate subcommittees investigating warrantless wiretapping and electronic surveillance has indicated that the files concerning these activities are now in the possession of the Department of Justice.

As you are probably aware, evidence made public by these congressional committees has indicated that a wiretap was placed on the telephone at Mr. Kraft's residence in June, 1969, by persons employed by the White House. The orders for the tap apparently came from Mr. John Ehrlichman, who has testified that he discussed the matter with former President Nixon. The tap was subsequently removed, apparently because Mr. Kraft was out of the country at the time. Shortly thereafter, Mr. William Sullivan, a special assistant to the Director of the Federal Bureau of Investigation, acting on the instructions of the Director and apparently of Mr. Ehrlichman,

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went to Paris and arranged for an electronic listening device to be placed in Mr. Kraft's hotel room. Later, in the fall of 1969, Mr. Sullivan also arranged for spot surveillance of Mr. Kraft's activities in Washington and requested the Attorney General's approval for another wiretap. That approval was apparently not given.

Files containing logs of the Paris surveillance and other documents relating to the activities described above, including summaries and internal memoranda constituting requests for various investigative activities, are apparently contained within several files labeled with Mr. Kraft's name or with the code word "CATO." These files were originally F.B.I. files, and were temporarily in the custody of the White House until they were recovered by Mr. William D. Ruckelshaus when he was serving as Acting Director of the F.B.I. They are apparently presently being held by either the F.B.I. or the Department of Justice.

Mr. Kraft has asked that we formally request from you that the original files and all copies which have been made be destroyed. The record developed during the House Judiciary Committee's impeachment proceedings, as well as the evidence gathered by other congressional committees, raises grave questions about the legality of these surveillances. Mr. Ruckelshaus, who has examined the files, has testified publicly that in Mr. Kraft's case there was not an adequate national security justification for the surveillances, and that the files did not indicate that anything Mr. Kraft did posed any danger to the national security. Hearings on Warrantless Wiretapping and Electronic Surveillance, Senate Subcommittee on Administrative Practice and Procedure, Committee on the Judiciary, May 9, 1974, at 316. However the legal issues might be resolved, President Ford's recent statement on the subject confirms that at the very least such activities are improper and not to be countenanced.

Accordingly, on behalf of Mr. Kraft, we request that you take steps to destroy all files relating to the results of the surveillance of Mr. Kraft, his family and household, and advise us that the destruction has been accomplished. So far as we know, there is no law enforcement reason why the files containing the results of these improper and unproductive surveillances should be retained, or any other reason of government policy that would overcome

Mr. Kraft's rights of privacy as a citizen to have these records destroyed so that any future dissemination of their contents will be impossible.

Mr. Kraft and I would appreciate the opportunity to meet with you at your convenience to discuss these matters.

Sincerely,

Lloyd N. Cutler
Lloyd N. Cutler

342-679
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HEREIN IS UNCLASSIFIED
DATE 3-15-95 BY SP-12 BTJ/jc

September 27, 1974

REC-111

65-75629-42

Lloyd N. Cutler, Esq.
Wilmer, Cutler and Pickering
1666 K Street, Northwest
Washington, D. C. 20006

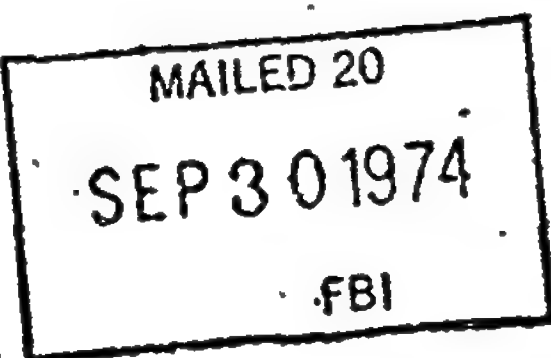
- 1 - Mr. Adams
- 1 - Mr. Wannall
- 1 - Mr. Marshall
- 1 - Mr. Walsh
- 1 - Mr. Mintz

Dear Mr. Cutler:

Thank you for your letter of September 23, 1974, advising of the concern of your client, Mr. Joseph Kraft, and for furnishing a copy of your related letter of the same date addressed to the Attorney General.

You may be assured that we will be in contact with the Attorney General to discuss the matter presented by your letters. We will be guided by decisions mutually agreed upon with the Attorney General and certainly you will be advised appropriately.

Sincerely yours,



C. M. Kelley
Clarence M. Kelley
Director

NOTE: Based on memo Legal Counsel to Mr. Adams 9/26/74, captioned "Lloyd N. Cutler, Attorney for Joseph Kraft;" JAM:mfd.

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Coun. _____
Phone Rm. _____

JAM:mfd

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OCT 8-1974

UNITED STATES GOVERNMENT

Memorandum

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Dep. AD Adm. _____
Dep. AD Inv. _____
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Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

TO : Mr. J. B. Adams

DATE: 10/24/74

342-679
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-15-95 BY SP-18 BTJ/7C

FROM : Legal Counsel *JM*

SUBJECT: LLOYD N. CUTLER
ATTORNEY FOR
JOSEPH KRAFT

1666 K ST., N.W., D.C.

AFFILIATED WITH WILMER CUTLER AND PICKERING

My memorandum of September 26, 1974, advised concerning a letter we received from Mr. Cutler representing Joseph Kraft in which they requested destruction of certain surveillance files they alleged were in the possession of the FBI concerning Mr. Kraft. Our letter to the Attorney General dated October 15, 1974, enclosed a proposed letter for the Attorney General's signature addressed to Mr. Cutler advising him that his request for the destruction of certain files must be denied. The Attorney General signed the letter and it was sent dated October 21, 1974.

On October 24, 1974, the Director's Office received a copy of a letter Mr. Cutler prepared in response to the Attorney General's letter of October 21st. A copy of the October 24th letter from Mr. Cutler is attached and indicates a renewal of their request to have the files destroyed. The letter furnishes additional arguments for destruction of the files and insists on a meeting with the Attorney General and the Deputy Attorney General.

We received only a copy of the letter addressed to the Attorney General and no immediate action is required on the part of the FBI. However, this matter is being pursued by a contact with the Department. *CDM*

RECOMMENDATION:

ENCLOSURE

None; for information.

REC *JM*

65-75629-46

Enc.

- 1 - Mr. Callahan
- 1 - Mr. Adams
- 1 - Mr. Wannall
- 1 - Mr. Mintz

17 OCT 25 1974
RECEIVED

JAM:mfd

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LEGAL COUNSEL

RICHARD M. WILMER
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 GERARD C. SMITH
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WILMER, CUTLER & PICKERING

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 Training _____
 Telephone Rm. _____
 Director Sec'y _____

October 24, 1974

Honorable William B. Saxbe
 The Attorney General of the United States
 Department of Justice
 Washington, D. C. 20530

#342-679
 ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 3-15-95 BY SP12 BTJ/7C

Dear Mr. Attorney General:

This is in reply to your letter of October 21, 1974
 in response to my letter of September 23, 1974 concerning
 the records resulting from the 1969 surveillances of Mr.
 Joseph Kraft.

With deference I must say that I find your letter
 unresponsive to the points raised in my letter and wholly
 at variance with the efforts made by your predecessor,
 Mr. Richardson, and his Deputy, Mr. Ruckelshaus, to put
 right the wrong done to Mr. Kraft.

REC-115-75627-46

ENCLOSURE

In your letter you appear to proceed on the premise
 that the surveillances of Mr. Kraft were lawful. As our
 letter stated, Mr. Ruckelshaus testified before a Joint
 Subcommittee of the Senate Committees on the Judiciary

*Memorandum Legal Counsel
 to Mr. Adams 10/24/74*

LEGAL COUNSEL

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized persons.

and Foreign Relations on May 9, 1974, that in his judgment, after reviewing the files, there was no valid national security justification for the surveillances. In so doing, he was confirming statements previously made by him directly to Mr. Kraft and me while he was Deputy Attorney General or Acting Director of the Bureau.

Lacking any valid national security justification, the surveillances were wholly illegal. They were conducted on a United States citizen -- a journalist entitled to the most scrupulous official regard for his First Amendment rights -- without a warrant, and in the case of the wiretap at Mr. Kraft's home, without even a written authorization from the Attorney General or the Director of the Bureau.

Under these circumstances we can see no justification for the Department of Justice or the Bureau to retain the fruits of illegal surveillances, involving a detailed record of Mr. Kraft's contacts and conversations in the pursuit of his profession over an extended period of time, as well as personal conversations within the Kraft family and between Mr. Kraft or his wife and their friends.

Insisting on retaining these fruits seems particularly difficult to understand in a new Administration that is not responsible for the illegal surveillances and that is publicly dedicated to defending the right of individual privacy against official intrusion.

We recognize that various clearances and waivers may be necessary if the records of even illegal surveillances are destroyed. This is why Mr. Kraft and I requested an opportunity to meet with you and with the Deputy Attorney General before you replied to our letter. We have every reason to believe that the problems of clearances and waivers could be worked out. In such a meeting, it should be possible to find a practicable solution that would free the Department from the embarrassment of holding the unwanted fruits of an illegal surveillance, while at the same time assuring Mr. Kraft and his family that, even within government intelligence circles, these illegally obtained records of their conversations can never be disclosed.

Mr. Kraft and I therefore respectfully but insistently renew our request for a meeting.

Sincerely,



Lloyd N. Cutler

Copy to: Laurence Silberman, Esq.
Deputy Attorney General
→ Clarence M. Kelley
Director, FBI
Joseph Kraft

The Attorney General

October 15, 1974

Director, FBI

- 1 - Mr. Adams
- 1 - Mr. Wannall
- 1 - Mr. Marshall
- 1 - Mr. Walsh
- 1 - Mr. Mintz

REQUEST OF MR. LLOYD N. CUTLER
REPRESENTING MR. JOSEPH KRAFT
TO DESTROY ALL FILES RELATING
TO SURVEILLANCE OF MR. JOSEPH KRAFT

My memorandum to you dated September 27, 1974, advised of my desire to reach a mutually acceptable policy for responding to Mr. Cutler's request. The policy stated in the attached, undated draft letter, prepared for your approval and signature by our Legal Counsel, was approved by Associate Deputy Attorney General James A. Wilderotter and by Mr. William Boiles, Counselor to the Attorney General, on October 10, 1974.

If you concur in the policy statement and sign the attached draft letter, it will serve to respond to Mr. Cutler's letters to you and to me.

Enclosure

- 1 - The Deputy Attorney General
- 1 - Assistant Attorney General
Criminal Division
- 1 - Assistant Attorney General
Office of Legal Counsel

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-15-95 BY SP12 BTJ/70

65-75629-44

18 OCT 24 1974

NOTE: Based on Legal Counsel to Mr. Adams memorandum-9/26/74, captioned "Lloyd N. Cutler, Attorney for Joseph Kraft," JAM:mfd.

JAM:mfd
(11)

OCT 11 2 12 PM '74

RECEIVED
OCT 11 1974

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

Lloyd N. Cutler, Esq.
Wilmer, Cutler and Pickering
1666 K Street, Northwest
Washington, D. C. 20006

#342-679
FBI
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-15-95 BY SP/2 BTJ/20

Dear Mr. Cutler:

This letter will respond to your recent letters to the
Director of the FBI and to me concerning Mr. Joseph Kraft.

It is the general policy of the Department of Justice to
decline to confirm or deny allegations of electronic surveillance
except as may be necessary for litigation. Therefore, my reply to
your request that certain files be destroyed must be drawn in terms
of the general policy concerning all electronic surveillance files of
the Department including files of the FBI.

It is also our policy that any information secured from
an electronic surveillance, whether pursuant to a statute and a court
order or an authorization of the Attorney General for national security
purposes, is handled in the strictest confidence, restricted on an
absolute need to know basis and retained in accordance with the law.
In this connection, the Federal law concerning court-authorized
electronic surveillance strictly limits the uses to which such informa-
tion may be put and requires that recordings of any overheard conver-
sations be maintained for at least ten years. While all of these
requirements are not legally applicable to national security surveillances,
we have nonetheless sought to follow a practice of retaining records of
such electronic surveillances so that we would be in a position to
appropriately respond to court orders issued in connection with criminal
or civil litigation. Destruction of records such as these could operate

JAM:mfd

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your Committee and the content may not be disclosed to unauthorized person-
nel without the express approval of the FBI.

Bureau Held

MAIL ROOM ☐ TELETYPE UNIT ☐

Lloyd N. Cutler, Esq.

to the detriment of an individual in the course of litigation as well as to the detriment of the legal position of Government. Further, any records held which relate to certain national security electronic surveillance undertaken in 1969 have assumed an evidentiary significance in proceedings before Congress and elsewhere. Consequently, destruction of any such records would be particularly inappropriate as well as possibly unlawful.

This Department is aware of the problem of invasion of privacy that is involved in national security surveillances, and it is our policy to insure that such overhearings are utilized only for legitimate and strictly limited governmental purposes. I am sure that you will appreciate that retention of all such electronic surveillance records, under appropriate safeguards, is the best protection against abuse or claims of abuse, and therefore I must deny your request.

Very truly yours,

Attorney General

1 - Director, FBI

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

DATE: 5/12/75

FROM : Legal Counsel

SUBJECT: LLOYD N. CUTLER
ATTORNEY FOR JOSEPH KRAFT

#342-679
ALL INFORMATION CONTAINED
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DATE 3-15-95 BY SP-12 BTZ/20

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

Reference is made to memorandum of Legal Counsel to Mr. Adams dated 3/28/75, captioned as above, which requested the comments of the Intelligence Division and the Files and Communications Division concerning a proposed agreement between the Attorney General and Joseph Kraft relating to records of an electronic surveillance of Kraft.

Enclosed is a letter from the Attorney General to Mr. Cutler dated 5/2/75, indicating the Department is implementing this agreement; also enclosed is a letter from the Attorney General to the Director dated 5/6/75 requesting the Bureau to do what is necessary for implementation.

ACTION:

The Intelligence Division and Files and Communications Division are requested to immediately take the steps necessary to bring the Bureau into compliance with this agreement, and to notify Legal Counsel when this has been accomplished, so that the Department may be advised the Kraft surveillance records have been sealed.

Enclosures (2)

1 - Mr. W. R. Wannall (Enclosures - 2)
1 - Mr. J. J. McDermott (Enclosures - 2)
2 - Mr. J. A. Mintz (Enclosures - 2)
1 - Mr. P. T. Blake (Enclosures - 2)

PTB:lsy
(6)

3 JUL 24 1975

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ENCLOSURE

LEGAL COUNSEL

File PTB
FINE

UNITED STATES GOVERNMENT

Memorandum

TO : Clarence M. Kelley, Director
Federal Bureau of Investigation

FROM : Edward H. Levi *EH*
Attorney General

SUBJECT: Agreement with Joseph Kraft

DATE: May 6, 1975

Dep.-A.D.-Adm.	
Dep.-A.D.-Inv.	
Asst. Dir.:	
Admin.	
Comp. Syst.	
Ext. Affairs	
Files & Com.	
Gen. Inv.	
Ident.	
Inspection	
Intell.	
Laboratory	
Plan. & Eval.	
Spec. Inv.	
Training	
Legal Coun.	<i>RED</i>
Telephone Rm.	
Director Sec'y	

Handle
4

Attached is a copy of an agreement with Joseph Kraft with regard to material in FBI files describing conversations overheard during electronic surveillance of Mr. Kraft. The Bureau's Legal Counsel staff helped in its preparation. This agreement is a good temporary solution to the problem of what to do with this material. The committee working on guidelines for the collection, dissemination and retention of information should come up with a more lasting solution.

The agreement requires that this material be removed from general FBI files and put under seal. Only one index card under Mr. Kraft's name may remain in the general index. That index card may refer to the location of the material under seal but should not describe the contents of the overhearings.

Please take whatever steps are necessary in order to implement this agreement.

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

*Memorandum
Submitted to Attorney General
5/12/75 P.B. Long*

REC-38

ENCLOSURE

65-15629-62

3 JUL 24 1975

#342-679

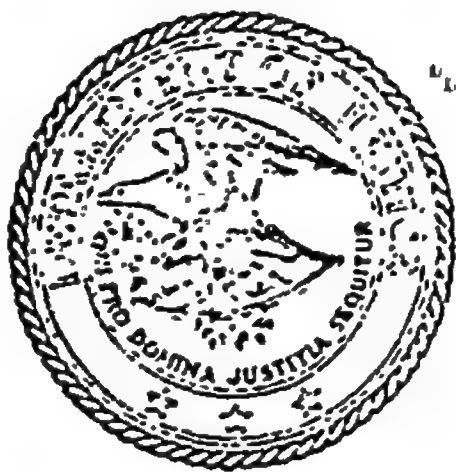
SP-8 BTG/2C

3-15-75

RED

INTV E





Office of the Attorney General
Washington, D. C. 20530

May 2, 1975

Lloyd N. Cutler, Esquire
Wilmer, Cutler & Pickering
1666 K Street, N.W.
Washington, D.C. 20006

#342-679
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-15-95 BY SP-12 BTJ/JC

Dear Mr. Cutler:

Pursuant to our discussions concerning the disposition of certain records relating to the surveillance activities directed at your client, Mr. Joseph Kraft, the Department is making the following temporary arrangements:

1. Pending further Departmental action relating to the policies which will govern records of the type involved in Mr. Kraft's case, all documents, recordings, or other records of any type in the Department's custody or control which constitute, summarize, or describe the contents of the over-hearings obtained as the result of any electronic surveillance directed against Mr. Kraft and members of his family will be placed under seal.
2. As long as the items described above remain under seal, no official or employee of the Department will have access to them for any purpose, and no official or employee of the Department will allow any person outside of the Department to have any such access, except as described below. The only material referring to these items will be a single index card needed to locate the sealed items. The index card will bear only Mr. Kraft's name and a file number.
3. Should some future need which we do not now foresee require any official or employee of the Department to obtain or permit access to the aforesaid items, the decision on such access shall be made personally by the Attorney General. The Attorney General shall not grant any access without notifying Mr. Kraft or his counsel in writing at least ten days prior thereto, and providing him or

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65-15627-62
ENCLOSURE

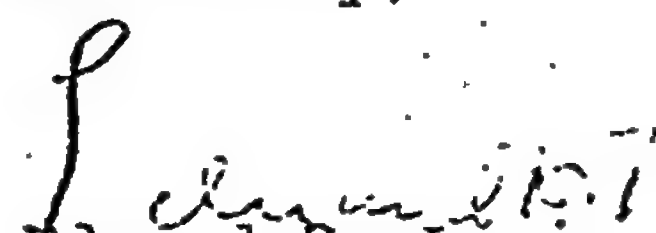
them an opportunity to discuss the matter personally with the Attorney General before the grant is made. The notice shall set forth the date upon which access will be permitted if it is granted, and the purpose for which and person by whom access is sought. The Attorney General will personally inform Mr. Kraft or his counsel of a decision to grant access as soon as practicable after it is made, but in any event at least five business days before access occurs.

4. Although this arrangement is not intended to constitute a permanent solution to the questions you have raised concerning these documents, it will not be rescinded or modified by the Attorney General or his successors unless the Attorney General gives Mr. Kraft or his counsel ten days' prior notice and affords him or them an opportunity to discuss the matter personally with the Attorney General before he rescinds or modifies the agreement. If the Attorney General then decides to rescind or modify this agreement he shall personally inform Mr. Kraft or his counsel of that decision at least five business days before it is implemented.

As a result of our discussions, I understand that this temporary arrangement is acceptable to Mr. Kraft, of course without waiver of any legal rights he may have as a result of prior surveillances. As I advised you, we are working now on general policy determinations which, we hope, will offer a permanent solution to the problem this settles temporarily. Of course, under the terms of this agreement we will notify you of any policy determination which would involve a modification of this agreement.

Until a final policy is determined, this agreement should assure Mr. Kraft that no person will read or otherwise use these documents in any manner so long as they remain under the seal arrangement.

Sincerely,


Edward R. Levi
Attorney General

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. J. J. McDermott
1 - Mr. J. A. Mintz
1 - Mr. W. R. Wannall

DATE: 6/10/75

1 - Mr. A. B. Fulton
1 - Mr. R. H. Ross

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

#342-679
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-15-95 BY SP-2 BJA/2C

TO : Mr. W. R. Wannall
FROM : A. B. Fulton
SUBJECT: LLOYD N. CUTLER
ATTORNEY FOR JOSEPH KRAFT

Reference is made to memorandum of Legal Counsel to Mr. Adams, 5/12/75, captioned as above, which requested Intelligence Division and Files and Communications Division to take steps necessary to bring the Bureau into compliance with an agreement between the Attorney General and Joseph Kraft relating to records of an electronic surveillance of Kraft.

Attached are two search slips containing a listing of all main files on Kraft and all references subsequent to 1968 and a listing of serials to be sealed.

Unit Chief Paul Donahue, Legal Counsel Division, was contacted regarding the terms of the Attorney General agreement. The agreement specifies that only documents, recordings or other records which describe the contents of the overhearings obtained from any electronic surveillance directed against Kraft and members of his family are to be sealed. Specifically this agreement pertains to July, 1969, when Kraft was monitored while in Paris, France. It was agreed that only those documents or records reporting the contents of the overhearing would be required to be sealed as distinguished from documents or records which refer to the fact that Kraft was monitored.

All main files listed on the attached routing slips were reviewed for documents fitting the criteria of the agreement. All references from 1968 on were similarly reviewed. The only serials located which are to be sealed are located in 65-75629 and a list of these serials is attached.

All copies of the documents listed in the attachment designated for retention by the FBI were located except one copy of serial 22. The original of this serial shows a copy

Enclosures

65-75629

RHR:kjg
(6)

ENCLOSURE

CONTINUED - OVER

Memorandum to Mr. W. R. Wannall

RE: Lloyd N. Cutler

Attorney for Joseph Kraft

65-75629

designated to Liaison Section. Liaison Section reviewed its tickler files but could not locate the copy. It would appear the copy was destroyed rather than routed when it was received at FBIHQ in 1969.

The file does not disclose the disposition of the actual tapes of the overhears. It is noted that the French authorities requested the original tapes returned to them. The only transcripts of the overhears which were located are contained as an enclosure to 65-75629-16. Further, Legat, Paris, advised by airtel dated 9/26/73 (65-75629-37) that his office had no material whatsoever containing overhears. He recalled that no file was created at the time of the overhears and that all correspondence to him from W. C. Sullivan was personal, was not filed and from his recollection, destroyed.

By previous agreement Files and Communications Division will conduct a review for abstracts which were possibly prepared regarding some of the correspondence listed in the attachment. If the abstracts exist and contain information as to the content of the overhears then they too must be sealed. Upon completion of the sealing a single index card as to location of the sealed documents can be prepared since this is allowed by the Attorney General's agreement.

The review of 6⁵2-75629 disclosed that Mr. Chuck Breyer, Watergate Special Prosecutor Force (WSPF), reviewed the Kraft material. This was done on or about 1/4/74 and it was noted in the file that Breyer was "permitted to review material except that which identified sources involved." Legal Counsel may wish to advise the Attorney General of this review since the WSPF may possess notes as to the contents of the overhears and if so they would appear to be subject to the terms of the agreement.

CONTINUED - OVER

- 2 -

Memorandum to Mr. W. R. Wannall
RE: Lloyd N. Cutler
Attorney for Joseph Kraft
65-75629

RECOMMENDATION:

1. That file 62⁵-75629 be furnished to Files and Communications Division for removal of the above serials, for review of abstracts and the actual sealing.

2. Upon completion of sealing Legal Counsel Division should be advised so they may in turn advise the Attorney General of compliance by the FBI.

RHR

HRS

Wizup

John

JD

John

John

P.M.

John

OK

no abstract RFS
65-75629 - Serial 9 - six page handwritten note, 7/7/69, with one enclosure written in the French language.

Serial 12 - Informal letter, 7/10/69, W. C. Sullivan to J. E. Hoover (original and one copy).

Serial 13 - Informal letter, 7/10/69, W. C. Sullivan to J. E. Hoover (original and one copy).

Serial 14 - Informal letter, 7/11/69, W. C. Sullivan to J. E. Hoover (original and one copy).

Serial 15 - Informal letter, 7/12/69, W. C. Sullivan to J. E. Hoover (original and one copy).

Serial 16 - Informal letter, 7/14/69, W. C. Sullivan to J. E. Hoover (original and one copy) with two enclosures.

Serial 17 - Informal letter, 7/14/69, W. C. Sullivan to J. E. Hoover (original and one copy).

Serial 18 - Memorandum, 7/15/69, W. C. Sullivan to DeLoach (original only).

Serial 19 - Letter to Honorable John D. Ehrlichman, Counsel to the President, The White House, from J. E. Hoover, 7/15/69 (yellow copy only).

Serial 20 - Cablegram to Legat, Paris, 7/16/69, captioned "CATO."

Serial 22 - Legat, Paris, teletype, 7/31/69, captioned "CATO," (original and one copy) with six search slips attached.

Serial 23 - Legat, Paris, teletype, 8/5/69, captioned "CATO," (original and two copies).

no abstract RFS
Serial 24 - Blind Memorandum, 8/6/69, captioned "CATO," (original only).

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All abstracts in Numbering Unit located and sealed.
All abstracts in Service Unit located and sealed except
abstracts for Serials 3, 20, 21 and 44.

65-75629-63 7/10/75

RFS